



FREDERICK COUNTY PLANNING COMMISSION

July 14, 2021

TITLE: **Juturna Springs Site Plan**

FILE NUMBER: **SP79-05 (AP SP260620, APFO A260621, FRO F260621)**

REQUEST: **Site Plan Approval**

The Applicant is requesting Site Plan approval to establish a SCUBA facility on a 196-acre Site.

PROJECT INFORMATION:

LOCATION: Located at the North Side of Woodsboro Road
TAX MAP/PARCEL: Tax Map 42, Parcel 97
COMP. PLAN: Mineral Mining
ZONING: Mineral Mining
REGION: Walkersville
WATER/SEWER: Water and Sewer Classification: No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT: Maryland Dive Training Facilities LLC
OWNER: Laurel Sand & Gravel, Inc.
ENGINEER: B & R Design Group
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Cody Shaw, Principal Planner I

RECOMMENDATION: Conditional Approval

Enclosures:

Exhibit #1 – Colored Rendition of Site View
Exhibit #2 – Zoom in of Colored Rendition of Site View
Exhibit #3 - MDE approval letter

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Plan approval to establish a SCUBA facility on a 196-acre parcel. The Project is subject to the requirements of the Frederick County Code, specifically Section 1-19-3.300 through 1-19-3.300.4 for Site Development Plan Review. The request is being reviewed as a "SCUBA facility" per §1-19-8.251 Use Table in the Zoning Ordinance. The proposed use is located within the Mineral Mining District.

The Site is zoned 'Mineral Mining' and the proposed use is being reviewed under §1-19-8.251 (Accessory Uses in the Mineral Mining Districts) of the Zoning Ordinance.

Figure 1 – Site View

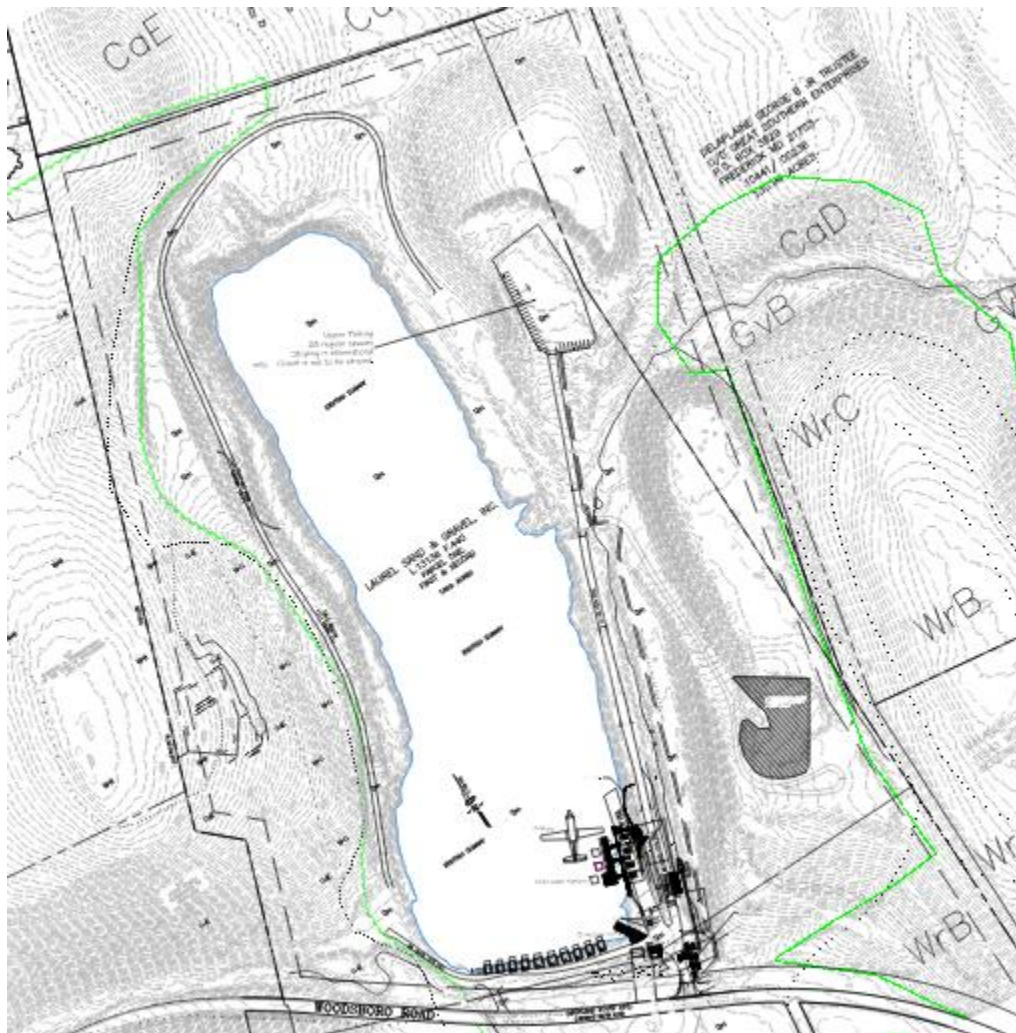
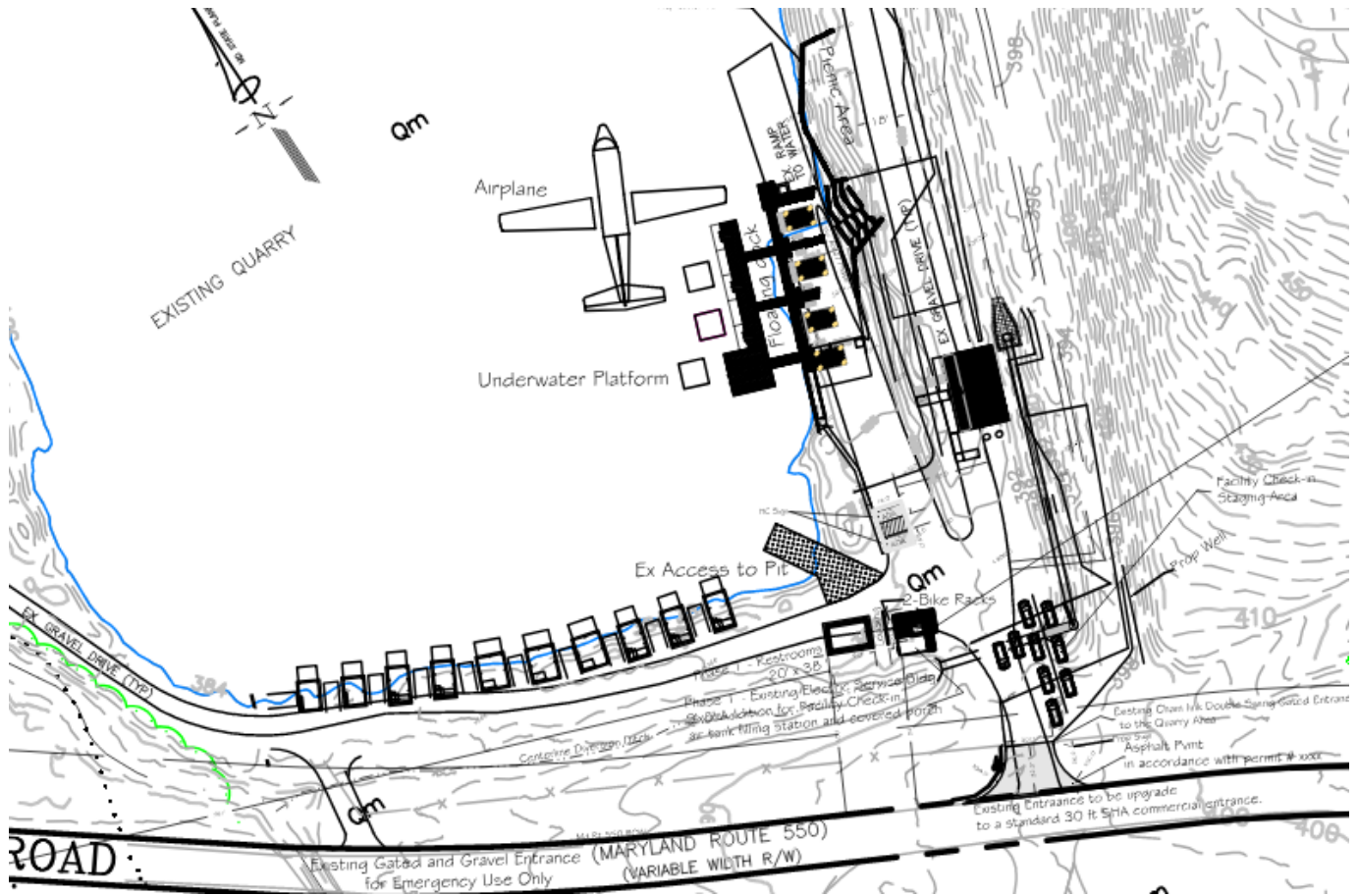


Figure 2 – Zoomed in Site View



BACKGROUND

Development History

On November 5, 2019, Bill No. 19-16 was introduced to establish a SCUBA Facility in Mineral Mining Districts. This Bill was subsequently enacted on December 17, 2019. See § 1-19-8.251 of the Frederick County Code.

Existing Site Characteristics

The 196-acre Site is located on the north side of Woodsboro Road. The subject Site is currently an existing mining quarry.

Figure 2 – Site Aerial – Existing Conditions

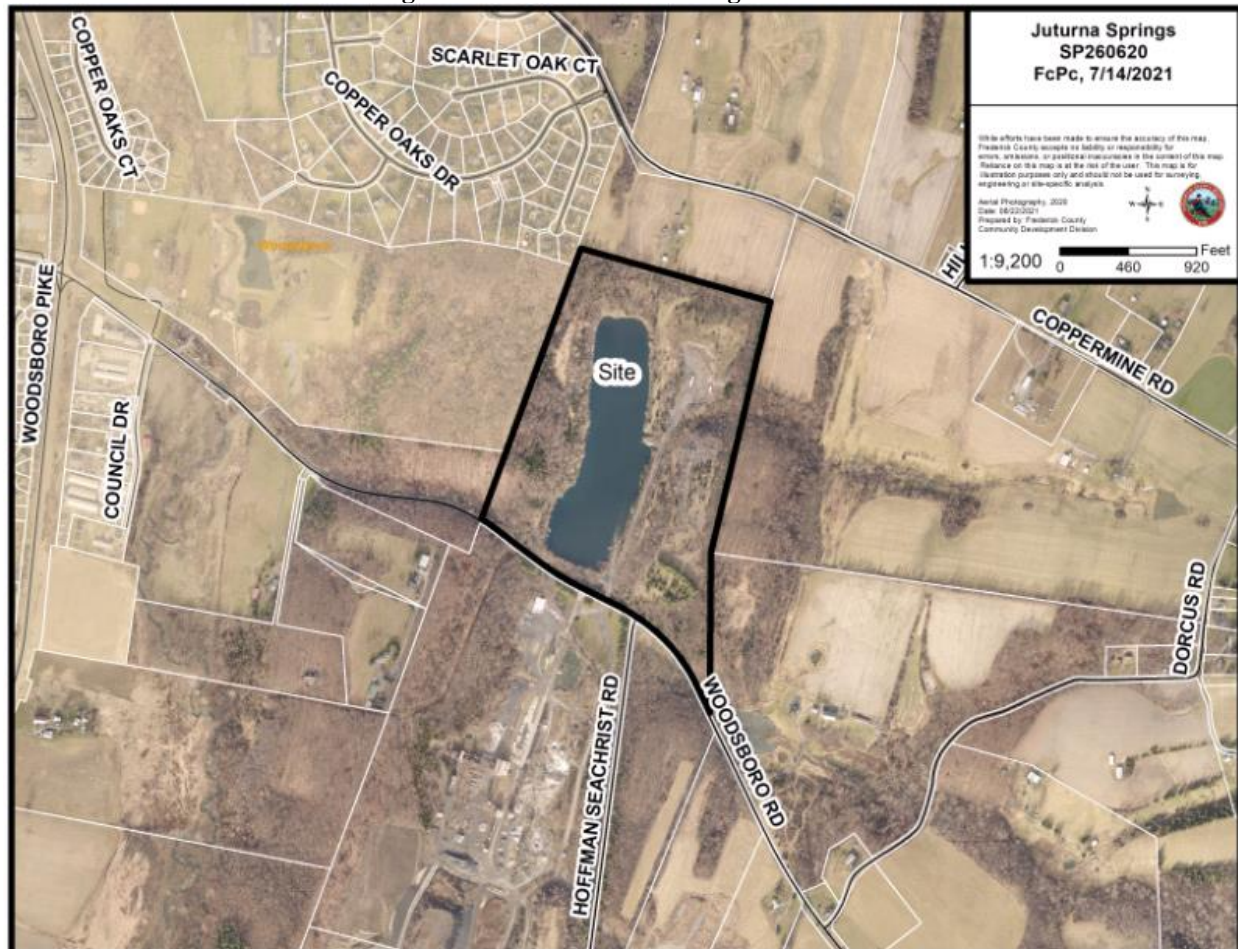
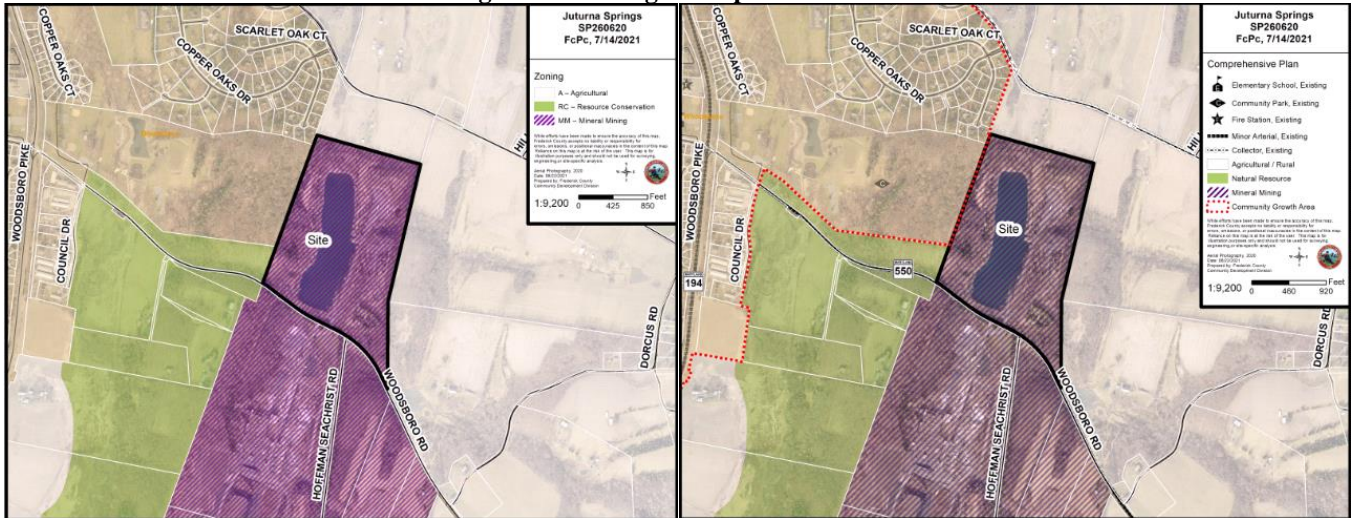


Figure 3 – Zoning / Comprehensive Plan



ANALYSIS

Summary of Development Standards Findings

The primary issues associated with this development are:

- Adequacy of the Site Plan in providing convenient and safe ingress/egress to the Site.
- Demonstrating compliance with site design standards.

Modification Requests:

- No modifications have been requested.

Detailed Analysis of Findings and Conclusions

Site Plan Approval shall be granted based upon the criteria found in:

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

Dimensional Requirements/Bulk Standards §1-19-8.251:

1. Per §1-19-8.251, a setback of 50 feet is required from all property lines and 300 feet from all mineral extraction, hauling, and processing operations. The proposed setbacks include the following; 90-foot front yard, 781-foot side yard to adjacent property line, 1,500-foot rear yard. The use is approximately 2,000 feet away from the nearest mineral extraction area and approximately 1,000 feet from hauling and processing operation areas.
2. **Signage §1-19-6.300:** The appropriate sign category for this SCUBA facility is "Business identification within the RC or A District" (Sign Type 12). This sign type was appropriate due to the underlying zoning being Agricultural. The maximum signage allowed for this use is 25 square feet.

Signage height must not exceed 15 ft. and signage must be setback ½ the setback. One (1) freestanding sign is permitted. With the proposed signage, the Applicant has met all the signage requirements.

3. **Landscaping §1-19-6.400:** The property has an active permit for mining. The mining activities do not occur within the proposed SCUBA facility. The accessory use of the SCUBA facility did not require landscaping.

The provision for street trees in the proposed development is regulated under Section 1-19-6.400(A)(1) of the Zoning Ordinance and states that the Applicant must provide “One tree, at least 6 feet in height at the time of planting...per 35 feet of [public] roadway frontage.”.

Due to the site being forested along the frontage of the public roadway, additional street trees were not required.

4. **Lighting §1-19-6.500:** The Applicant has stated that no lighting is proposed with this application request.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** One 30' wide entrance is proposed off of Woodsboro Road (MD Route 550). This entrance will be upgraded to meet state highway requirements. Loading and unloading is facilitated by a small loading space on the south side of the site, near the entrance.
2. **Public Transit:** There is no local bus service for this Site.
3. **Parking:** Pursuant to Section 1-19-6.220 of the Zoning Ordinance for a “Health club, fitness center, vocational/sports training facility, commercial swimming pool,” 1 parking space is required for each 5 persons capacity, plus 1 parking space for each 4 seats or 1 for each 30 square feet floor area used for seating purposes, whichever is greater. This equates to 30 parking spaces required (150 attendees / 5 persons per space = 30). The Site Plan proposes 30 parking spaces, which includes two (2) handicap spaces.
4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** A gravel driveway/walkway connects the parking area to the facilities.
5. **Bicycle Parking §1-19-6.220 (H):** Bicycle parking shall be provided as follows in accordance with the Zoning Ordinance:

Required: 1.5 rack (1 rack per 20 parking spaces, minimum 1 = $30/20 = 1.5$)

Provided: 2 racks

Bicycle racks are located at the entrance of the site, past the gate.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The Site is not served by public water and sewer and is currently classified as No Planned Service in the Frederick County Water and Sewerage Plan.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The Site is active mine and has varying degrees of elevation drops.
2. **Vegetation:** The Site is comprised of large portions of forested areas.
3. **Sensitive Resources:** Intermittent streams, wetlands, steep slopes, and a quarry are located on the Site.
4. **Natural Hazards:** There are no natural hazards located on site that affect the development proposal.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

No common areas are required or proposed.

Accessory Uses in the Mineral Mining Districts §1-19-8.251:

Findings/Conclusions

(A) A scuba facility is permitted as an accessory use in a mineral mining district provided the scuba facility:

- (1) Utilizes an existing, open-pit mine fed by a natural spring
 - Existing quarry is fed by a natural spring
- (2) Has setbacks a minimum of 50 feet from all property lines and 300 feet from all mineral extraction, hauling, and processing operations
 - All setbacks are met (see dimensional requirements/bulk standards on sheet 5)
- (3) Receives approval from the Maryland Department of the Environment prior to site plan approval
 - MDE approval obtained March 21, 2021 (see Exhibit #3)

(B) Other uses operated in conjunction with the mineral extraction such as business office, caretaker or watchman structures, or facilities for the repair of equipment used in conjunction with the mining operation are permitted as accessory uses in a mineral mining district.

- This application does not propose any of these uses

(C) All accessory uses in a mineral mining district shall occupy no more than 25% of the land zoned mineral mining.

- Proposed use occupies less than 25% of the land zoned mineral mining.

Other Applicable Regulations

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

- **Road Improvements:** This development generates fewer than 6 new trips during the peak hour of the adjacent street relative to prior valid approvals and is therefore exempt from contribution to existing area road escrow accounts. (§1-20-12(H)).

Water and Sewer Improvements: Site water and sewer classification is no planned service.

Schools: This is a non-residential use and is exempt from APFO testing.

Forest Resource Ordinance (FRO) – Chapter 1-21

Forest Resource Ordinance § 1-21:

The Site is exempt from the Forest Resource Ordinance requirements in accordance with Section 1-21-7(H) Noncoal surface mining regulated under Md. Code Ann., Environmental Article, Title 15, Subtitle 8, as verified by the Department of Natural Resources.

Historic Preservation – Chapter 1-23

This property does not have a historic designation.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comments</i>
<i>Public Works Department:</i>	Approved
<i>Development Review Planning:</i>	Approved
<i>State Highway Administration (SHA):</i>	Approved
<i>Forest Resource (FRO):</i>	Approved
<i>Health Dept.:</i>	Approved
<i>Office of Life Safety:</i>	Approved
<i>Street Naming:</i>	Approved
<i>DPDR Traffic Engineering:</i>	Approved
<i>APFO Review:</i>	Approved

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once the conditions of approval have been met.

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan for Juturna Springs. If the Planning Commission conditionally approves the Site Plan, it is valid for a period of three (3) years from the date of Planning Commission approval (valid through July 14, 2024).

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.

PLANNING COMMISSION ACTION

I move that the Planning Commission **APPROVE** the **Site Plan (SP79-05, AP SP260620) with conditions** as listed in the staff report for the proposed **Juturna Springs**, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 2 – Colored Rendition of Site

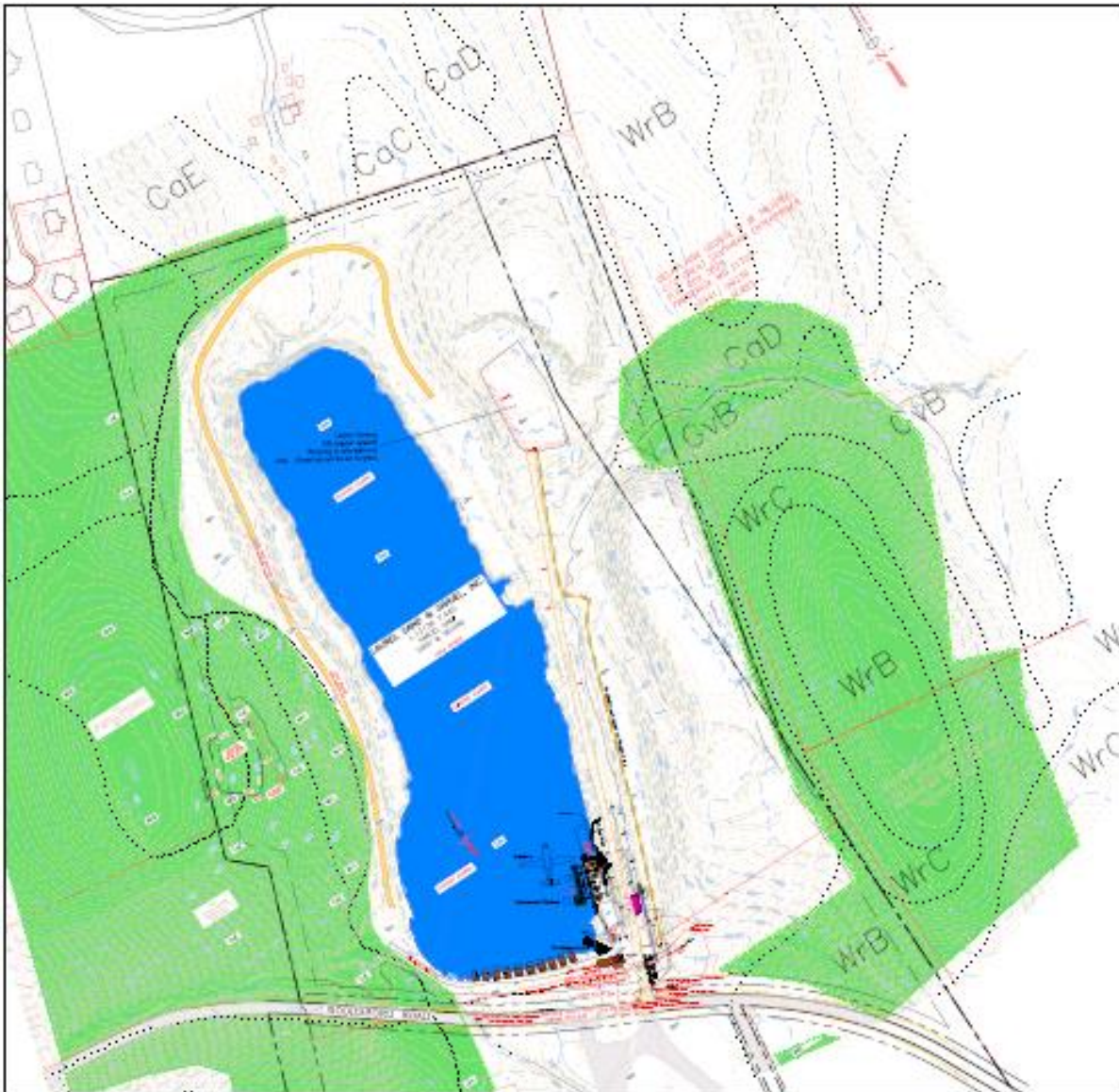


Exhibit 2 – Zoom in of Colored Rendition of Site

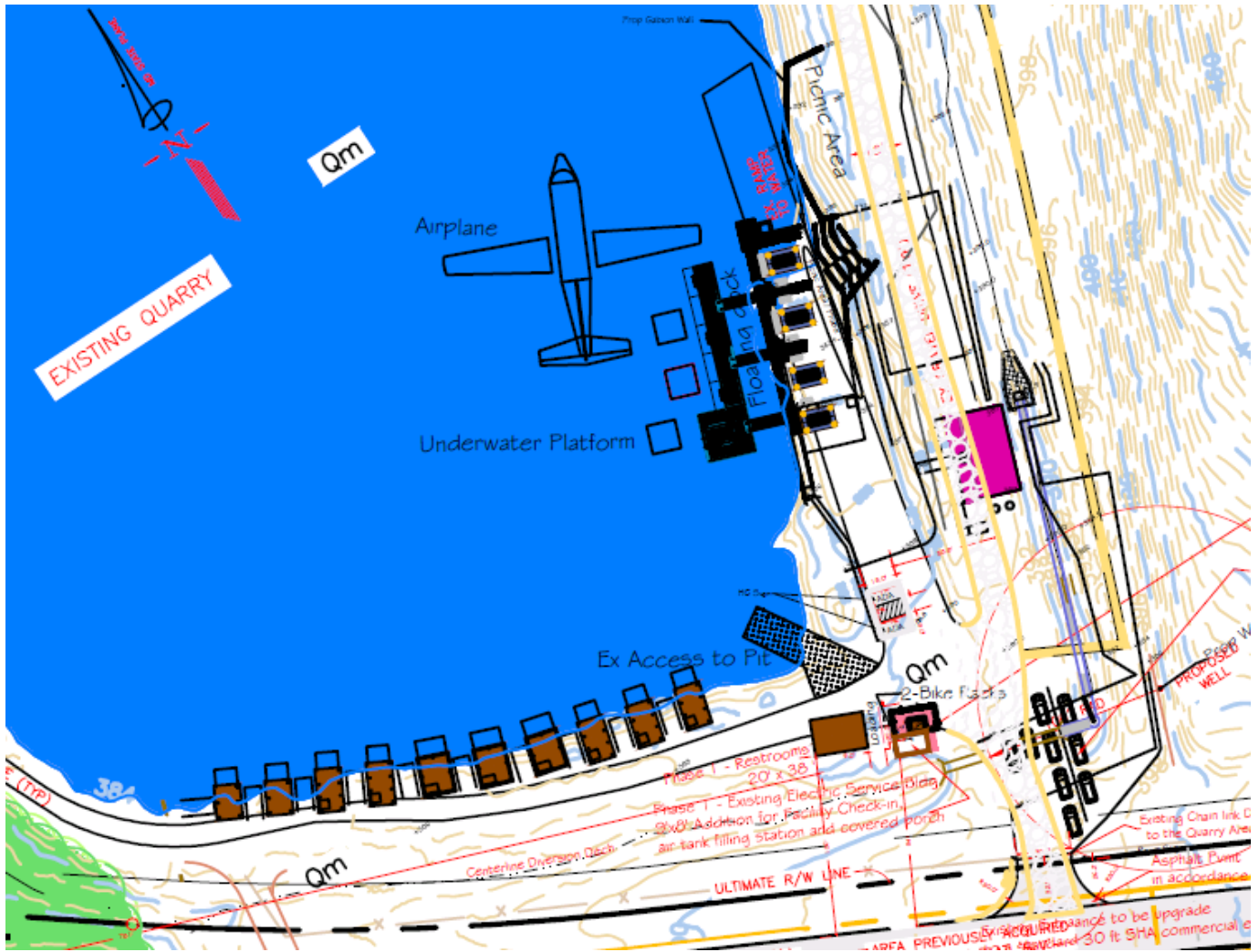


Exhibit 3 – MDE Approval Letter



Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Ben Crumbyles, Secretary
Horacio Tablada, Deputy Secretary

March 23, 2021

Mr. Cody L. Shaw, Principal Planner I
Division of Planning and Permitting
City of Frederick
30 North Market Street, Frederick, MD 21701

Dear Mr. Shaw:

I am in receipt of your March 19, 2021 letter and the proposed plans for the Juturna Springs dive club. From a mining perspective we have no concerns with the inactive quarry being used for scuba training. If in the future the permittee decides to resume active quarrying the scuba operation would have to halt and all structures including the plane would have to be removed.

If I can assist you further please do not hesitate to contact me.

Molly Michaelson

Molly Michaelson, C.P.G.
Program manager, Mining Program
molly.michaelson@maryland.gov